

REMARKS / ARGUMENTS

Claims 1-18, 21 and 22 were pending prior to this Amendment.

This Amendment is filed in response to the office action dated March 13, 2007. In the office action, the examiner rejected Claim 12 as a substantial duplicate of claim 1, rejected claims 1-18 under the doctrine of obviousness-type double patenting over claims 1-8 of pending application claims 1-8 of USSN 10/564,299, rejected claim 13 under 35 USC 101, and rejected claims 10, 13, 14, 18, 21 and 22 under 35 USC 112, 2nd ¶.

In this amendment, Claims 10, 14, 16, 17, 18 and 21 have been amended and Claims 12 and 13 have been cancelled. As such, Claims 1-11, 14-18, 21 and 22 are presented for further consideration.

In light of the cancellation of Claims 12 and 13, the rejection of those claims is moot.

In response to the examiners' rejection of claims 1-18 under the doctrine of obviousness-type double patenting over the claims of co-pending application 10/564,299, applicant respectfully assert that that this rejection is rendered moot through the terminal disclaimer filed in 10/564,299. The terminal disclaimer disclaims that portion of a patent issuing from 10/564,299 that extends beyond the term of any patent which issues from the present claims of this patent application. In light of the action taken in 10/564,299, withdrawal of the double patenting rejection in the present application is therefore requested.

Claims 10 and 21 have been amended to include periods at the end of the claims, thus correcting inadvertent typographical errors.

Claim 14 has been amended to remove the "if desirable" language raised by the examiner.

Claims 16 and 17 have been amended to better define the claimed invention. It is a standard of patent claim interpretation that reference to the singular includes the plural. As such, "another" therapeutically active agent is more appropriately expressed as "one or more" therapeutically active agents. This amendment merely clarifies that situation.

Claim 18 has been amended to reference "inflammatory" conditions, thus rendering it compliant with 35 USC 112, 2nd ¶.

Although claim 22 was mentioned as rejected under 35 USC 112, 2nd ¶, no detailed rationale was provided in the Office Action for the rejection. It is guessed that the grounds may have been based on claim 22 depending from rejected Claim 21. In light of the amendment of claim 21, it is believed that this has been adequately addressed and that Claim 22 is in condition for allowance.

In light of the amendments made herein, each of the issues raised by the examiner precluding patentability have been addressed. As such, applicant respectfully asserts the application is in condition for allowance. Further consideration and issuance of a notice of allowance are respectfully requested as appropriate.

Respectfully submitted,


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